



BellSouth Telecommunications, Inc.

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May 3, 2002

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REC'D. TN
REGULATORY AUTH.
OFFICE OF THE
EXECUTIVE SECRETARY

VIA HAND DELIVERY

David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *In the Matter of Notice of Rulemaking Amendment of Regulations for
Telephone Service Providers*
Docket No. 00-00873

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of a Request for Rescheduling of Oral Comments. Copies of the enclosed are being provided to counsel of record.

Very truly yours,

Joelle Phillips

JP:ch

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *In the Matter of Notice of Rulemaking Amendment of Regulations for Telephone Service Providers*

Docket No. 00-00873

REQUEST FOR RESCHEDULING OF ORAL COMMENTS
CURRENTLY SET FOR MAY 7, 2002 UNTIL MAY 21, 2002

Southeastern Competitive Carriers Association ("SECCA"); Ardmore Telephone Company; BellSouth Telecommunications, Inc.; CenturyTel of Adamsville; CenturyTel of Claiborne; CenturyTel of Ooltewah-Collegedale; Citizens Telecommunications Company of Tennessee; Citizens Telecommunications Company of the Volunteer State; Concord Telephone Exchange, Inc.; Crockett Telephone Company; Humphreys County Telephone Company; Loretto Telephone Company; MCI WorldCom Communications, Inc.; NewSouth Communications Corporation; Peoples Telephone Company; Sprint Communications Company, L.P.; Tellico Telephone Company; Tennessee Telephone Company; Time Warner Telecommunications; United Telephone Company; United Telephone-Southeast, Inc.; West Tennessee Telephone Company and XO Communications (the "Industry Members") request that the Tennessee Regulatory Authority ("Authority") postpone its taking of oral comments currently scheduled for Tuesday May 7 in the above-styled docket until the next scheduled Agenda Conference on May 21, 2002. The Industry Members respectfully show the Authority as follows:

On April 26, the Authority issued a Final Conference Agenda for the Conference on May 7. Appearing on that Final Conference Agenda under Miscellaneous Business was an item noting that the Directors will hear oral comments on proposed rules by interested parties. On May 1, 2002, BellSouth Telecommunications, Inc. ("BellSouth") sought

clarification of this agenda item, specifically noting that affected parties had not been provided with a current draft of the proposed rules that would be considered by the Authority. On the afternoon of May 2, the Authority posted a revised version of the rules on the website. That version was not "redlined" showing how the version differs from the last proposed amendments to rules which were issued in August.

In order to meaningfully comment on the proposed rules *actually under consideration*, as opposed to rules contained in prior drafts which have since been revised by the Authority or its Staff, the Industry Members need time to review the *current draft* prior to offering comments. As the Authority has recognized, in its May 2 letter to Joelle Phillips of BellSouth, "the *U.S. Life* case holds that persons potentially affected by an agency rulemaking must receive notice of the rulemaking, including the proposed rules that are the basis thereof."¹ Having received access to the current draft of the proposed rules that are the basis of the rulemaking on the afternoon of May 2, the parties will have less than three business days to review the draft to determine the areas in which the draft differs from prior drafts and to prepare oral comments.

For these reasons, the Industry Members respectfully request that the Authority reset the oral comments session for its next scheduled agenda conference on May 21 in order to provide parties with a meaningful opportunity to prepare oral comments responsive to the draft actually being considered by the Directors.

¹ *U.S. Life Title Insurance Co. of New York v. Department of Commerce and Insurance*, 770 S.W.2d 537 (Tenn. App. 1988) cited in May 2, 2002 letter of the Executive Secretary.

Respectfully submitted by:

John B. Adams by J. Phillips
John B. Adams *with permission*
Citizens Communications and
Tennessee Rural Independents²

Susan Berlin by J. Phillips
Susan Berlin *with permission*
MCI WorldCom Communications, Inc.

Charles Welch by J. Phillips
Charles Welch *with permission*
NewSouth Communications Corporation
and Time Warner Telecommunications

Henry Walker by J. Phillips
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XO Communications; SECCA

Bruce Mottern by J. Phillips
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Concord Telephone Exchange, Inc.;
Humphreys County Telephone Company;
Tellico Telephone Company, Inc.; and
Tennessee Telephone Company

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James B. Wright *with permission*
United Telephone-Southeast, Inc. and
Sprint Communications Company, L.P.

Herb Bivens by J. Phillips
Herb Bivens *with permission*
United Telephone Company

Joelle Phillips
Joelle Phillips
BellSouth Telecommunications, Inc.

² The Tennessee Rural Independents are Ardmore Telephone Company; CenturyTel of Adamsville, Inc.; CenturyTel of Claiborne, Inc.; CenturyTel of Ooltewah-Collegedale, Inc.; Crockett Telephone Company, Inc.; Loretto Telephone Company, Inc.; Peoples Telephone Company; and West Tennessee Telephone Company, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2002, a copy of the foregoing document was served on the parties of record, via the method indicated:

☐ Hand
☐ Mail
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A handwritten signature in cursive script, appearing to read "Timothy Phillips", written over a horizontal line.